

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco

RAHILA KHAN,

No. C 12-01107 LB

Plaintiff,

v.

**ORDER (1) REGARDING
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS AND (2) CONTINUING
MOTION HEARING**

RECONTRUST COMPANY, et al.,

Defendants.

Rahila Khan, proceeding *pro se*, filed this action against Recontrust Company and Bank of America, N.A. (collectively, "Defendants") on March 6, 2012. Complaint, ECF No. 1. On March 29, 2012, Defendants filed a motion to dismiss Ms. Khan's complaint. Motion, ECF No. 6. Defendants served their motion on Ms. Khan through the United States mail. Certificate of Service, ECF No. 6-2.

On or around April 17, 2012, the undersigned's chambers received a copy of her 60-page opposition. It appears that Ms. Khan served the opposition on Defendants but that she did not properly file it with the Clerk of the Court. *See* N.D. Cal. Civ. L.R. 5 (setting forth the procedure for filing pleadings and other papers). The Clerk of the Court's stamp that indicates that a document has been properly filed is not affixed to it. The court mistook this document for a chamber's copy of a properly-filed opposition. As a result, Ms. Khan's opposition was never properly filed with the Clerk of the Court and/or uploaded to the court's Electronic Case Filing ("ECF") system.

Given that the opposition was not properly filed, Defendants do not appear to have filed and

1 served a reply. However, given that Ms. Khan is proceeding *pro se*, the court will deliver her
 2 opposition to the Clerk of the Court for filing and uploading to ECF.

3 The court directs Defendants to file a reply to Ms. Khan's opposition. Because her brief exceeds
 4 the 25-page limit for oppositions, *see* N.D. Cal. Civ. L.R. 7-3(a), the court will provide Defendants
 5 with extra time to do so.¹ Accordingly, Defendants shall file a reply to Ms. Khan's opposition by
 6 **May 15, 2012.**

7 In light of these new briefing dates, the court CONTINUES the hearing on Defendants' motion
 8 to dismiss to **June 21, 2012 at 11:00 a.m.** in Courtroom C, 15th Floor, United States District Court,
 9 450 Golden Gate Avenue, San Francisco, California, 94102.

10 **IT IS SO ORDERED.**

11 Dated: May 1, 2012


 12 LAUREL BEELER
 13 United States Magistrate Judge

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 27 ¹ Although Ms. Khan did not file an administrative motion to exceed the page limit for her
 28 opposition, the court will exercise its discretion and accept it anyway. Ms. Khan, however, is
 directed to comply with this District's Civil Local Rules for all future filings and is warned that the
 failure to do so may result in her papers being struck or other sanctions.